

REMARKS

Applicant thanks the Patent Office for the careful attention accorded this Application and respectfully request reconsideration in view of the Amendment above and remarks set forth below.

In response to the Office Action mailed December 27, 2006, Applicant has canceled Claims 38-97 without prejudice or disclaimer and has added rewritten Claims 98-115 for further prosecution on the merits. Applicant reserves the right to pursue protection on the canceled claims in one or more Continuation Applications.

As rewritten, Claims 98-115 are directed to a novel Web-based consumer product marketing communication network for allowing members of a consumer product management team to communicate directly with consumers along E-Commerce (EC) enabled Web sites on the World Wide Web (WWW), including EC-enabled stores and EC-enabled online product catalogs, --- using Web-based server-side driven, Multi-Mode Virtual Kiosks (MMVKs) that can be rapidly generated by the product management team for each consumer product registered on the network.

Claims 99-115 are directed to subordinate features of the Web-based consumer product marketing communication network of the present invention.

Clear detailed support for the claimed invention can be found in Figs. 2C2, 2C3, 4E1-4F2, 9A, 10A1-10A2, 11, 13, 15A-15MM, 16-21C, 41, 42A-42C and 43, and at corresponding portions of the present Specification.

As recited in independent Claim 98, the Web-based consumer product marketing communication network includes a first Web-based subsystem, operably connected to the infrastructure of the Internet, for allowing product management team members, associated with a particular consumer product or group of consumer products, and/or authorized parties, to create and deploy a plurality of Web-based Multi-Mode Virtual Kiosks (MMVKs) for a plurality of

consumer products that are registered with said Web-based consumer product marketing communication network. After creation and deployment, these MMVKs can be installed in and launched from a plurality of the HTML-encoded pages located in the EC-enabled Web sites, and accessible by consumers using a Web browser.

As recited in Claim 98, when generated by a first Internet-enabled information server operably connected to the infrastructure of the Internet, each MMVK has a graphical user interface (GUI) that is characterized by a plurality of independently programmable display modes selected from the group consisting of (i) an advertising display mode for displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a consumer product information (CPI) menu display mode for displaying a set of CPI resources arranged for selection by the consumer using said Web browser. The advertising spots, promotional spots and CPI resources are served to the Web browser by a plurality of Web-based information servers, operably connected to the infrastructure of the Internet.

As recited in Claim 98, the Web-based consumer product marketing communication network also includes a UPN/URL database server, in communication with the first Internet-enabled information server, for storing and managing a UPN/URL link structure for each consumer product registered with the Web-based consumer product marketing communication network.

As claimed, each said UPN/URL link structure includes

- (i) a Universal Product Number (UPN) assigned to the consumer product, and
- (ii) a set of URLs specifying the location of a plurality of CPI resources located on the WWW, for programming the plurality of independently programmable display modes of the MMVK created and deployed for the consumer product identified by the UPN.

The claimed Web-based consumer product marketing communication network includes a second Web-based subsystem for allowing product management team members to manage the

CPI link structures for the plurality of consumer products, and independently program the set of CPI resources displayable during the CPI menu display mode of each installed MMVK.

The claimed Web-based consumer product marketing communication network also includes a third Web-based subsystem for allowing members of the product management team to independently program the advertising and promotional display modes of each MMVK with one or more advertising and promotional spots.

As claimed, each MMVK is implemented employing (a) a computer-executable server-side component stored on the first Internet-enabled information server, and (b) a MMVK tag embedded within any of the HTML-encoded pages located in the EC-enabled Web sites, embodying a unique URL, and referencing the computer-executable server-side component, wherein the computer-executable server-side component includes code specifying (i) a connection to the UPN/URL database server, and (ii) a CPI query to be executed on the UPN/URL database server, and dependent on the UPN assigned to the consumer product.

As recited in Claim 98, upon the Web-browser of the consumer encountering one installed MMVK tag along at least one of said EC-enabled Web sites, the computer-executable server-side component corresponding to the MMVK tag is automatically executed and the corresponding MMVK is generated by the first Internet-enabled information server and served to the Web browser, for display and review by the consumer at the EC-enabled Web sites.

This novel system architecture of the Web-based consumer product marketing communication network of the present invention has a number of important benefits and advantages.

In particular, any branded consumer product manufacturer (and its retail trading partners) can now quickly create, deploy and manage Web-based MMVKs for each and every product in the its supply-chain management system, and simply install and manage these MMVKs across all of its Web-based marketing and merchandising channels, at EC-enabled WWW-sites along the WWW including EC-enabled stores and EC-enabled online product catalogs.

As each Web-based MMVK is a server-side driven, GUI-based marketing communication subsystem, tuned to a particular consumer product, accessible to consumers at points of presence along the fabric of the EC-enabled WWW-sites, and having a plurality of independently programmable display modes, product managers have the capacity to compose and program the kinds of brand experiences which they intend or wish consumers to have when they encounter their brand of products being offered for sale or otherwise marketed at EC-enabled WWW sites associated with network of the present invention.

Once a plurality of MMVKs have been installed at multiple EC-enabled WWW-Sites within the Web-based network of the claimed invention, the product management team members associated with the MMVKs can deliver high-impact brand experiences, self-service and value to consumers (e.g. via short rich media ads and promos and product demos and related brand information), providing the manufacturer with a voice at the online point of sale, while helping retailers build their brand, deliver service, satisfy consumers, and drive sales.

A manufacturer's entire consumer product catalog (managed by the UPNs assigned to such products) can be quickly registered on the Web-based marketing communication network of the present invention, and a MMVK automatically generated for each registered product, in just minutes.

Each MMVK on the Web-based network of the claimed invention has three independent modes of information display, and these independent display modes can be easily programmed by different members of the brand management team (e.g. product information managers, advertising agencies, and promotional agencies) who typically have different responsibilities within a brand management enterprise.

MMVKs deployed on the Web-based network of the claimed invention can function as virtual product showcases that allow manufacturers to deliver consistent product merchandising and service to consumers at different touch-points along EC-enabled WWW-Site on the WWW.

MMVKs deployed on the Web-based network of the claimed invention can also function as turnkey e-commerce stores to support e-commerce transactions along EC-enabled WWW-Site on the WWW.

Using the Web-based network of the claimed invention, product management teams can exercise a high degree of control over their product brand information at EC-enabled WWW sites including EC-enabled stores and EC-enabled online product catalogs, regardless of where such consumer product information resources may actually reside at locations (specified by URLs) on the WWW (e.g. stored on and served from global content delivery networks or CDNs, and Web-enabled content management /publishing systems).

Many other benefits of the network and MMVK technology of the present invention will become apparent in view of the present Specification.

Applicant has carefully reviewed the prior art references, including US Patent Nos. 6,154,738 and 5,913,210 to Call, US Patent Nos. US Patent No. 6,591,247 to Stern, US Patent No. 6,542,933 to Durst et al, and firmly believes, that when taken alone or in combination with each other, the prior art as a whole fails to disclose, teach or suggest the Web-based consumer product marketing communication network defined by rewritten Claims 98-115 which comprises, *inter alia*, the following combination of elements:

(1) a first Web-based subsystem which allows product management team members, associated with a particular consumer product or group of consumer products, and/or authorized parties, to create, deploy and install a plurality of Web-based Multi-Mode Virtual Kiosks (MMVKs) for a plurality of consumer products that are registered with said Web-based consumer product marketing communication network;

(2) wherein each MMVK is generated by a first Internet-enabled information server and has a graphical user interface (GUI) that is characterized by a plurality of independently programmable display modes selected from the group consisting of (i) an advertising display mode for displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a consumer product information (CPI) menu

display mode for displaying a set of CPI resources arranged for selection by the consumer using said Web browser;

(3) a UPN/URL database server, in communication with the first Internet-enabled information server, which stores and manages a UPN/URL link structure for each consumer product registered with the Web-based consumer product marketing communication network;

(4) wherein each said UPN/URL link structure includes

(i) a Universal Product Number (UPN) assigned to the consumer product, and

(ii) a set of URLs specifying the location of a plurality of CPI resources located on the WWW, for programming the plurality of independently programmable display modes of the MMVK created and deployed for the consumer product identified by the UPN;

(5) a second Web-based subsystem which allows product management team members to manage the CPI link structures for the plurality of consumer products, and independently program the set of CPI resources displayable during the CPI menu display mode of each installed MMVK; and

(6) a third Web-based subsystem which allows members of the product management team to independently program the advertising and promotional display modes of each MMVK with one or more advertising and promotional spots.

Further, there is not even a hint, in any of the prior art references, to implement each MMVK, as recited in Claim 98, employing:

(a) a computer-executable server-side component stored on the first Internet-enabled information server, and

(b) a MMVK tag embedded within any of the HTML-encoded pages located in the EC-enabled Web sites, embodying a unique URL, and referencing the computer-executable server-side component,

wherein the computer-executable server-side component includes code specifying (i) a connection to the UPN/URL database server, and (ii) a CPI query to be executed on the UPN/URL database server, and dependent on the UPN assigned to the consumer product.

In US Patent Nos. 5,913,210 and 6,154,738 to Call, there is no disclosure, teaching or suggestion of providing a Web-based consumer product marketing communication network, as

claimed by Applicant, supporting server-side driven MMVKs having independently programmable display modes for displaying ad spots, promo spots, and consumer product information menus, at EC-enabled WWW-Site, under the management and control of consumer product marketing team members, as claimed.

Furthermore, in US Patent Nos. 5,913,210 and 6,154,738, Call's hyperlink/URL encoding technique clearly teaches away from Applicant's novel Web-based MMVKs (i.e. Web-based marketing communication instruments) which are implemented, as recited in Claim 98, employing:

- (a) a computer-executable server-side component stored on the first Internet-enabled information server, and

- (b) a MMVK tag embedded within any of the HTML-encoded pages located in the EC-enabled Web sites, embodying a unique URL, and referencing the computer-executable server-side component, and

wherein the computer-executable server-side component includes code specifying (i) a connection to the UPN/URL database server, and (ii) a CPI query to be executed on the UPN/URL database server, and dependent on the UPN assigned to the consumer product.

In contrast, US Patent Nos. 5,913,210 and 6,154,738 to Call disclose a Web-based system and method for delivering consumer product information to consumers at retail Web-sites by installing at least one hyperlink (i.e. tag) in a web page, wherein the tag must include a reference to separately stored information, and the reference must include a particular universal product code value that uniquely designates a selected product. When the consumer's request message is sent to the cross-referencing source (i.e. UPC/URL database), the request message must contain at least a portion of the universal product code value for accessing (from the. UPC/URL database), Internet addresses (URLs) pointing to product information on the Internet, and then directing those URLs to the computer sending the request message. In short, Call's hyperlink/URL encoding technique requires retailers (or rather their webmasters) to embed manufacturer-assigned "universal product code values" into the fabric of the retailer's websites which, in many instances, goes against current conventions with many retailers, and only adding to the retailer's overhead, as most retailers prefer to use their own retailer-assigned SKU's (not

manufacturer-managed UPCs or UPC/EANs) to manage products on the retailer's EC-enabled sites.

US Patent No. 6,591,247 to Stern discloses an IP based digital content distribution network where batteries of digital content (e.g. product information and advertisements) are combined together in a single distribution file (e.g. .big format) at a centralized database server (i.e. NMC database 252c, Database files 352 and Builder 350) and then delivered to remote sites (e.g. physical retail kiosks, "wall of eyes" television sets etc) in physical retail stores, in either an interactive or non-interactive manner, on a per product basis. As disclosed, the interactive delivery method may be initiated by the consumer scanning a UPC code on a product of interest, in a brick and mortar store. However, the '247 Stern network is limited and constrained to use in physical retail stores, and does not enable the creation, deployment and installation of Web-based MMVKs, on the HTML-encoded pages of EC-enabled Web-sites, as claimed.

US Patent No. 6,542,933 to Durst et al, discloses a way of implementing the general method of delivering consumer product information on the Internet to a user's Web browser by providing the consumer product's UPC number to a UPC/URL database server constructed in accordance with US Patent No. 5,978,773 to Hudetz et al. As shown in Fig. 2 and described in Col. 5, at lines 65-68, and in Cols. 6, 7 and 8 of US Patent No. 6,542,933, Durst's preferred method of providing access to web pages (via information server 50) is based on HTTP redirection using a linkage client 22 and a web browser 24 [Col. 7, lines 5-23, and Col. 19, lines 20-22] As disclosed, this preferred method involves generating a special linkage code symbol 10 (e.g. native linkage code, data string, UPC, vanity code) that must be first registered with the network, and contains data elements that references a file location index (pointing to information file or content). Using linkage client 22 and a web browser 24, the client computer 20 communicates with the information server 50 so that the file location index (referenced by the linkage code) is resolved by information server 50 into a computer file location (URL) associated with an information file stored on web-based content server 30.

Durst's system is limited to accessing and displaying Internet-based information resources using conventional Web browser clients, linkage clients, and linkage codes that have

been registered with the networked system and applied to physical objects. Moreover, in the Durst '933 reference, there is disclosure, teaching or hint of a Web-based consumer product marketing communication network as defined by Claim 98, supporting server-side driven MMVKs having independently programmable display modes for displaying ad spots, promo spots, and consumer product information menus, at EC-enabled WWW-Site, under the management and control of consumer product marketing team members, as claimed.

And while Durst discloses (in Column 6, at lines 47-49) using a CGI program or a Java servlet to implement its information server 50, Durst fails to disclose, teach or suggest Applicant's Web-based marketing communication instruments (i.e. MMVKs), and the technique for implementing the same on the Web based marketing communication network, as defined by the rewritten Claims.

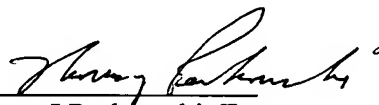
Furthermore, even when combining the disclosures of Call, Stern and Durst, the Web-based consumer product marketing communication network of the claimed invention is just not provided, nor suggested.

In view therefore, of the Amendment and Remarks set forth above, Applicant firmly believes that the present invention defined by new Claims 98-115 is firmly believed to be neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fee deficiencies or overpayments to Deposit Account 16-1340. Applicant still qualifies as a small entity for the purpose of paying reduced fees.

Respectfully submitted,

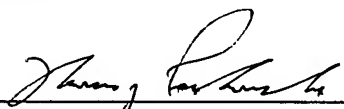
Dated: June 26, 2007


Thomas J Perkowski, Esq.
Attorney for Applicant
Reg. No. 33,134
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902
203-357-1950
<http://www.tjpatlaw.com>

CERTIFICATE OF MAILING UNDER
37 C.F.R. 1.8

I hereby certify that this correspondence
is being deposited with the United States
Postal Service on June 26, 2007, in a Postage
Prepaid envelope as, First Class Mail,
addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Thomas J Perkowski, Esq.
Date: June 26, 2007